

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REUBEN HENRY,)	
)	
Plaintiff,)	
)	Civil Action No. 10-189 Erie
v.)	
)	
DEPUTY SUPERINTENDENT)	
OVERMYER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 5, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 60], filed on November 18, 2011, recommended that the partial motion to dismiss filed by the Commonwealth Defendants [ECF No. 26] be denied. The parties were allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendations, the following order is entered:

AND NOW, this 7th day of December, 2011;

IT IS HEREBY ORDERED that the partial motion to dismiss filed by the Commonwealth Defendants [ECF No. 26] is DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on November 18, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge